

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Assigned to	:
	Orthodynamics GmbH	:
		:
Serial No.	09/079,618	:
Filed:	May 15, 1998	:
		:
Patent No.:	6,120,544	:
Issued:	September 19, 2000	:
		:
		: Attorney Docket No.
For:	FEMUR ENDOPROSTHESIS FOR	: 688167.0004
	ARTIFICIAL HIP JOINT	:

**PETITION FOR ACCEPTANCE OF LATE PAYMENT OF  
BALANCE DUE FOR MAINTENANCE FEE UNDER 37 C.F.R. §1.28(c)**

The third maintenance fee for the above-referenced patent were erroneously paid as a small entity. Assignee respectfully requests that the U.S. Patent and Trademark Office accept late payment of the balance due for the third maintenance fee. The circumstances for the error are as follows:

1. The application for the above patent was filed on May 15, 1998 claiming small entity status;
2. All fees paid during the prosecution of the application through issuance and the first and second maintenance fees were correctly paid at the small entity rate.
3. The above-referenced patent was assigned to a large entity company on March 31, 2010.

4. This information and consequently the error in the entity status were just recently realized by Assignee's attorneys in the United Kingdom and communicated to the undersigned.
5. A large entity statement has now been filed with the U.S. Patent and Trademark Office.

In view of the above, there is a deficiency owed for payment of the third maintenance fee. The following is an itemization of the fee paid at the small entity rate, the current fee due at the large entity rate and the balance owed for the deficiency:

	Date Paid	Fee Paid at Small Entity Rate	Current Fee At Large Entity Rate	Balance Owed
<b>Third Maintenance Fee</b>	04/16/12	\$2,365 (plus \$75.00 late fee)	4,810	\$2,445
<b>BALANCE DUE:</b>				<b>\$2,445</b>

It is submitted that the error of paying the third maintenance fee as a small entity was erroneous and inadvertent, and it is respectfully requested that the late payment of the balance due of \$2,445.00 be accepted.

Please charge deposit account 50-1017 in the amount of \$2,445.00 (Billing No. 688167.0004). Please charge any deficiency in payment or credit any overpayment to our Deposit Account 50-1017.

Please also charge deposit account 50-1017 in the amount of \$130.00 to cover the petition fee under 37 C.F.R. §1.17(i). The Commissioner is hereby authorized to charge any deficiencies or credit any overpayments to our Deposit Account 50-1017.

Respectfully submitted,

October 22, 2012 By: William W. Schwarze  
(Date)

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WWS/DCM

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**CHANGE OF ENTITY STATUS**

The undersigned attorney for the above-identified patent hereby notifies the U.S. Patent and Trademark Office that assignee's status for the above patent has changed from small entity to large entity by virtue of a conveyance of an interest to a large entity company

Respectfully submitted,

October 22, 2012 By:   
(Date)

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WWS/DCM

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